

112TH CONGRESS
2D SESSION

H. R. 6655

AN ACT

To establish a commission to develop a national strategy and recommendations for reducing fatalities resulting from child abuse and neglect.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. COMMISSION.**

2 This Act may be cited as the “Protect our Kids Act
3 of 2012”.

4 **SEC. 2. FINDINGS.**

5 Congress finds that—

6 (1) deaths from child abuse and neglect are
7 preventable;

8 (2) deaths from child abuse and neglect are sig-
9 nificantly underreported and there is no national
10 standard for reporting such deaths;

11 (3) according to the Child Maltreatment Report
12 of 2011, in fiscal year 2011, 1,545 children in the
13 United States are reported to have died from child
14 abuse and neglect, and many experts believe that the
15 actual number may be significantly more;

16 (4) over 42 percent of the number of children
17 in the United States who die from abuse are under
18 the age of 1, and almost 82 percent are under the
19 age of 4;

20 (5) of the children who died in fiscal year 2011,
21 70 percent suffered neglect either exclusively or in
22 combination with another maltreatment type and 48
23 percent suffered physical abuse either exclusively or
24 in combination;

25 (6) increased understanding of deaths from
26 child abuse and neglect can lead to improvement in

1 agency systems and practices to protect children and
2 prevent child abuse and neglect; and

3 (7) Congress in recent years has taken a num-
4 ber of steps to reduce child fatalities from abuse and
5 neglect, such as—

6 (A) providing States with flexibility
7 through the Child and Family Services Im-
8 provement and Innovation Act of 2011 to oper-
9 ate child welfare demonstration projects to test
10 services focused on preventing abuse and ne-
11 glect and ensuring that children remain safely
12 in their own homes;

13 (B) providing funding through the Child
14 and Family Services Improvement Act of 2006
15 for services and activities to enhance the safety
16 of children who are at risk of being placed in
17 foster care as a result of a parent's substance
18 abuse;

19 (C) providing funding through the Fos-
20 tering Connections to Success and Increasing
21 Adoptions Act of 2008 for grants to facilitate
22 activities such as family group decisionmaking
23 meetings and residential family treatment pro-
24 grams to support parents in caring for their
25 children; and

1 (D) requiring States through the Child and
2 Family Services Improvement and Innovation
3 Act of 2011 to describe how they will improve
4 the quality of data collected on fatalities from
5 child abuse and neglect.

6 **SEC. 3. ESTABLISHMENT OF COMMISSION.**

7 (a) ESTABLISHMENT.—There is established the Com-
8 mission to Eliminate Child Abuse and Neglect Fatalities
9 (in this Act referred to as the “Commission”).

10 (b) MEMBERSHIP.—

11 (1) COMPOSITION.—

12 (A) MEMBERS.—The Commission shall be
13 composed of 12 members, of whom—

14 (i) 6 shall be appointed by the Presi-
15 dent;

16 (ii) 2 shall be appointed by the Speak-
17 er of the House of Representatives;

18 (iii) 1 shall be appointed by the mi-
19 nority leader of the House of Representa-
20 tives;

21 (iv) 2 shall be appointed by the major-
22 ity leader of the Senate; and

23 (v) 1 shall be appointed by the minor-
24 ity leader of the Senate.

1 (B) QUALIFICATIONS.—Each member ap-
2 pointed under subparagraph (A) shall have ex-
3 perience in one or more of the following areas:

- 4 (i) child welfare administration;
- 5 (ii) child welfare research;
- 6 (iii) child development;
- 7 (iv) legislation, including legislation
8 involving child welfare matters;
- 9 (v) trauma and crisis intervention;
- 10 (vi) pediatrics;
- 11 (vii) psychology and mental health;
- 12 (viii) emergency medicine;
- 13 (ix) forensic pathology or medical in-
14 vestigation of injury and fatality;
- 15 (x) social work with field experience;
- 16 (xi) academia at an institution of
17 higher education, as that term is defined in
18 section 101 of the Higher Education Act
19 of 1965 (20 U.S.C. 1001), with a focus on
20 one or more of the other areas listed under
21 this subparagraph;
- 22 (xii) law enforcement, with experience
23 handling child abuse and neglect matters;
- 24 (xiii) civil law, with experience han-
25 dling child abuse and neglect matters;

- 1 (xiv) criminal law, with experience
2 handling child abuse and neglect matters;
3 (xv) substance abuse treatment;
4 (xvi) education at an elementary
5 school or secondary school, as those terms
6 are defined in section 9101 of the Elemen-
7 tary and Secondary Education Act of 1965
8 (20 U.S.C. 7801);
9 (xvii) epidemiology; and
10 (xviii) computer science or software
11 engineering with a background in inter-
12 operability standards.

13 (C) DIVERSITY OF QUALIFICATIONS.—In
14 making appointments to the Commission under
15 subparagraph (A), the President and the con-
16 gressional leaders shall make every effort to se-
17 lect individuals whose qualifications are not al-
18 ready represented by other members of the
19 Commission.

20 (2) DATE.—The appointments of the members
21 of the Commission shall be made not later than 90
22 days after the date of enactment of this Act.

23 (c) PERIOD OF APPOINTMENT; VACANCIES.—Mem-
24 bers shall be appointed for the life of the Commission. Any
25 vacancy in the Commission shall not affect its powers, but

1 shall be filled in the same manner as the original appoint-
2 ment.

3 (d) INITIAL MEETING.—Not later than 60 days after
4 the date on which a majority of the members of the Com-
5 mission have been appointed, the Commission shall hold
6 its first meeting.

7 (e) MEETINGS.—The Commission shall meet at the
8 call of the Chairperson.

9 (f) QUORUM.—A majority of the members of the
10 Commission shall constitute a quorum, but a lesser num-
11 ber of members may hold hearings.

12 (g) CHAIRPERSON.—The President shall select a
13 Chairperson for the Commission from among its members.

14 **SEC. 4. DUTIES OF THE COMMISSION.**

15 (a) STUDY.—

16 (1) IN GENERAL.—The Commission shall con-
17 duct a thorough study on the use of child protective
18 services and child welfare services funded under title
19 IV and subtitle A of title XX of the Social Security
20 Act to reduce fatalities from child abuse and neglect.

21 (2) MATTERS STUDIED.—The matters studied
22 by the Commission shall include—

23 (A) the effectiveness of the services de-
24 scribed in paragraph (1) and best practices in
25 preventing child and youth fatalities that are

1 intentionally caused or that occur due to neg-
2 ligence, neglect, or a failure to exercise proper
3 care;

4 (B) the effectiveness of Federal, State, and
5 local policies and systems within such services
6 aimed at collecting accurate, uniform data on
7 child fatalities in a coordinated fashion, includ-
8 ing the identification of the most and least ef-
9 fective policies and systems in practice;

10 (C) the current (as of the date of the
11 study) barriers to preventing fatalities from
12 child abuse and neglect, and how to improve ef-
13 ficiency to improve child welfare outcomes;

14 (D) trends in demographic and other risk
15 factors that are predictive of or correlated with
16 child maltreatment, such as age of the child,
17 child behavior, family structure, parental stress,
18 and poverty;

19 (E) methods of prioritizing child abuse and
20 neglect prevention within such services for fami-
21 lies with the highest need; and

22 (F) methods of improving data collection
23 and utilization, such as increasing interoper-
24 ability among State and local and other data
25 systems.

1 (3) MATERIALS STUDIED.—The Commission
2 shall review—

3 (A) all current (as of the date of the
4 study) research and documentation, including
5 the National Survey of Child and Adolescent
6 Well-Being and research and recommendations
7 from the Government Accountability Office, to
8 identify lessons, solutions, and needed improve-
9 ments related to reducing fatalities from child
10 abuse and neglect; and

11 (B) recommendations from the Advisory
12 Board on Child Abuse and Neglect.

13 (b) COORDINATION.—The Commission shall provide
14 opportunities for graduate and doctoral students to coordi-
15 nate research with the Commission.

16 (c) RECOMMENDATIONS.—The Commission shall—

17 (1) develop recommendations to reduce fatali-
18 ties from child abuse and neglect for Federal, State,
19 and local agencies, and private sector and nonprofit
20 organizations, including recommendations to imple-
21 ment a comprehensive national strategy for such
22 purpose; and

23 (2) develop guidelines for the type of informa-
24 tion that should be tracked to improve interventions
25 to prevent fatalities from child abuse and neglect.

1 (d) REPORT.—

2 (1) IN GENERAL.—Not later than 2 years after
3 the date on which a majority of the members of the
4 Commission have been appointed, the Commission
5 shall submit a report to the President and Congress,
6 which shall contain a detailed statement of the find-
7 ings and conclusions of the Commission, together
8 with its recommendations for such legislation and
9 administrative actions as it considers appropriate.

10 (2) EXTENSION.—The President may extend
11 the date on which the report described in paragraph
12 (1) shall be submitted by an additional 1 year.

13 (3) ONLINE ACCESS.—The Commission shall
14 make the report under paragraph (1) available on
15 the publicly available Internet Web site of the De-
16 partment of Health and Human Services.

17 **SEC. 5. POWERS OF THE COMMISSION.**

18 (a) HEARINGS.—

19 (1) IN GENERAL.—The Commission may hold
20 such hearings, sit and act at such times and places,
21 take such testimony, and receive such evidence as
22 the Commission considers advisable to carry out this
23 Act.

24 (2) LOCATION.—The location of hearings under
25 paragraph (1) shall include—

1 (A) areas with high fatality rates from
2 child abuse and neglect; and

3 (B) areas that have shown a decrease in
4 fatalities from child abuse and neglect.

5 (3) SUBJECT.—The Commission shall hold
6 hearings under paragraph (1)—

7 (A) to examine the Federal, State, and
8 local policies and available resources that affect
9 fatalities from child abuse and neglect; and

10 (B) to explore the matters studied under
11 section 4(a)(2).

12 (b) INFORMATION FROM FEDERAL AGENCIES.—The
13 Commission may secure directly from any Federal depart-
14 ment or agency such information as the Commission con-
15 sidered necessary to carry out this Act. Upon request of
16 the Chairperson of the Commission, the head of such de-
17 partment or agency shall furnish such information to the
18 Commission.

19 (c) POSTAL SERVICES.—The Commission may use
20 the United States mails in the same manner and under
21 the same conditions as other departments and agencies of
22 the Federal Government.

23 (d) GIFTS.—The Commission may accept, use, and
24 dispose of gifts or donations of services or property.

1 **SEC. 6. COMMISSION PERSONNEL MATTERS.**

2 (a) TRAVEL EXPENSES.—The members of the Com-
3 mission shall be allowed travel expenses, including per
4 diem in lieu of subsistence, at rates authorized for employ-
5 ees of agencies under subchapter I of chapter 57 of title
6 5, United States Code, while away from their homes or
7 regular places of business in the performance of services
8 for the Commission.

9 (b) STAFF.—

10 (1) IN GENERAL.—The Chairperson of the
11 Commission may, without regard to the civil service
12 laws and regulations, appoint and terminate an execu-
13 tive director and such other additional personnel as
14 may be necessary to enable the Commission to per-
15 form its duties. The employment of an executive di-
16 rector shall be subject to confirmation by the Com-
17 mission.

18 (2) COMPENSATION.—The Chairperson of the
19 Commission may fix the compensation of the execu-
20 tive director and other personnel without regard to
21 chapter 51 and subchapter III of chapter 53 of title
22 5, United States Code, relating to classification of
23 positions and General Schedule pay rates, except
24 that the rate of pay for the executive director and
25 other personnel may not exceed the rate payable for

1 level V of the Executive Schedule under section 5316
2 of such title.

3 (c) DETAIL OF GOVERNMENT EMPLOYEES.—At the
4 discretion of the relevant agency, any Federal Government
5 employee may be detailed to the Commission without reim-
6 bursement, and such detail shall be without interruption
7 or loss of civil service status or privilege.

8 (d) PROCUREMENT OF TEMPORARY AND INTERMIT-
9 TENT SERVICES.—The Chairperson of the Commission
10 may procure temporary and intermittent services under
11 section 3109(b) of title 5, United States Code, at rates
12 for individuals that do not exceed the daily equivalent of
13 the annual rate of basic pay prescribed for level V of the
14 Executive Schedule under section 5316 of such title.

15 **SEC. 7. TERMINATION OF THE COMMISSION.**

16 The Commission shall terminate on the earlier of—

17 (1) the 30th day after the date on which the
18 Commission submits its report under section 4(d); or

19 (2) the date that is 3 years after the initial
20 meeting under section 3(d).

21 **SEC. 8. FEDERAL AGENCY RESPONSE.**

22 Not later than 6 months after the submission of the
23 report required under section 4(d), any Federal agency
24 that is affected by a recommendation described in the re-
25 port shall submit to Congress a report containing the re-

1 sponse of the Federal agency to the recommendation and
2 the plans of the Federal agency to address the rec-
3 ommendation.

4 **SEC. 9. ADJUSTMENT TO THE TANF CONTINGENCY FUND**
5 **FOR STATE WELFARE PROGRAMS.**

6 (a) IN GENERAL.—Section 403(b)(2) of the Social
7 Security Act (42 U.S.C. 603(b)(2)) is amended by striking
8 “for fiscal years 2011 and 2012” and all that follows
9 through the end of the paragraph and inserting “for fiscal
10 years 2013 and 2014 such sums as are necessary for pay-
11 ment to the Fund in a total amount not to exceed
12 \$612,000,000 for each fiscal year, of which \$2,000,000
13 shall be reserved for carrying out the activities of the com-
14 mission established by the Protect our Kids Act of 2012
15 to reduce fatalities resulting from child abuse and ne-
16 glect.”

17 (b) PREVENTION OF DUPLICATE APPROPRIATIONS
18 FOR FISCAL YEAR 2013.—Expenditures made pursuant
19 to section 148 of the Continuing Appropriations Resolu-
20 tion, 2013, for fiscal year 2013, shall be charged to the

- 1 applicable appropriation provided by the amendments
- 2 made by this section for such fiscal year.

Passed the House of Representatives December 19,
2012.

Attest:

Clerk.

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